

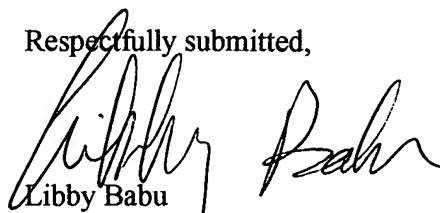
microsphere of from about 20 to 200 microns. Also, as mentioned in the response to the First Office Action, the present invention neither mentions nor claims the use of a mixed oxide of cerium and zirconium, instead it claims the use of an acidic oxide support, cerium oxide, at least one oxide of a lanthanide series element other than cerium oxide, and optionally, at least one oxide of a transition metal selected from Groups Ib and IIb of the Periodic Table and mixtures thereof, wherein the ratio of (ii) to (iii) ranges from at least 1.66:1 by weight.

Applicants find the obviousness-type double patenting rejection maintained in the present Final Office against the present claims in light of copending Application No. 10/763,812 moot at the present point in prosecution. The '812 application as of November 7, 2005 is still pending. The status of the '812 application is noted on PAIR as being "Docketed New Case- Ready for Examination." As a result, the obviousness-type double patenting rejection cannot be raised at this junction because, as realized by the examiner, the conflicting claims of the copending application have "not been in fact been patented."

Furthermore the present invention does not claim the use of a mixed oxide of cerium and zirconium. Instead, the present invention claims the use of an acidic oxide support. The acidic oxide support is preferably either an alumina or silica-alumina. The present invention neither mentions nor claims the use of a mixed oxide of cerium and zirconium. The mixture of cerium and zirconium oxides as set forth in the claims of the '812 application is not an acidic support as contemplated by the claims of the present application.

For the foregoing reasons, Applicants respectfully submit that Claims 1-10, 14, 17-21 and 30-33 are patentably distinguishable over the art of record. Applicants respectfully solicit allowance of the claims.

Respectfully submitted,

  
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